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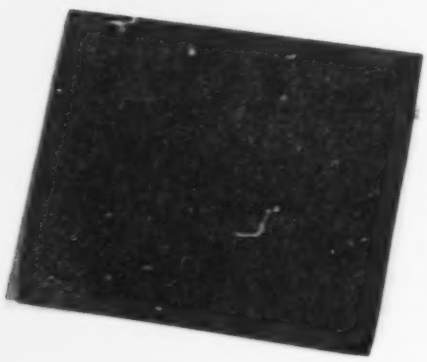
Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[5 August 1997]



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Situation of human rights in Algeria

1. The impression gained by the International Federation of Human Rights Leagues (FIDH) during its mission to Algeria from 26 April to 1 May 1997 was of "the unmistakable existence of systematic and large-scale human rights violations in a sphere of action completely outside any legal or judicial framework: arbitrary arrests, incommunicado detention in non-official centres - in some cases for long periods - the practice of torture and ill-treatment, enforced disappearances, summary executions and abuses by militias". In its report entitled: "La levée du voile: l'Algérie de l'extrajudiciaire et de la manipulation", it takes the view that the situation remains "extremely worrying".

2. FIDH of course wholeheartedly condemns the massacres and other crimes attributable to Islamic groups and recognizes the right and duty of the Algerian authorities to prosecute and punish those responsible. "However, as an international non-governmental organization whose mandate is to ensure observance of international human rights instruments, it points out that those instruments have been ratified by States and that Governments are duty-bound to implement them. In that respect, there can be no doubt that the Algerian authorities, who themselves loudly proclaim the existence of the rule of law, are obligated to do everything in their power to ensure observance of all international instruments for the protection of the rights of the individual which Algeria has signed."

Arbitrary arrests and incommunicado detention

3. The arrests made by the security forces often resemble the kidnappings carried out by armed terrorist groups. All the eyewitnesses are united in saying that the security forces never produce arrest warrants, often operate in plain clothes and unmarked cars and refuse to disclose their identities.

4. Police custody - which is limited to 12 days under the Code of Criminal Procedure, but in practice lasts for indefinite periods and always exceeds the limit in cases linked with terrorism - takes the form of incommunicado detention in unofficial detention centres during which the relatives generally are unable to obtain any information about the situation of the detainees. These detention centres are usually military barracks, although police and gendarme stations, and even security forces training schools, are apparently also used for prolonged and illegal detention.

Torture and ill-treatment: a widespread and systematic phenomenon

5. From the various persons spoken to during the mission, including the lawyers of detainees, FIDH was able to ascertain that known or suspected members of terrorist groups were systematically tortured and ill-treated while being arbitrarily held in secret places of detention, and also while in custody at police and gendarme stations.

6. The methods of torture, which were also used on minors, include caning, whipping, application of electricity to all parts of the body, including the genitals, suffocation with a cloth soaked in water and chemicals, threats of rape or even sodomy by members of the security forces or with bottles, and burning with cigarettes.

Alarming increase in the number of "enforced disappearances"

7. All the persons arbitrarily arrested and detained in the above-mentioned conditions are reported to their relatives as having "disappeared". According to the National Human Rights Monitoring Centre, an official body set up in 1992, the number of "disappearances" rose to 988 in 1996, more than double the 1994 number. The Monitoring Centre explains that this figure covers disappearances attributable to both Islamic groups and the authorities, persons joining Islamic guerrilla groups and those who have gone missing for various reasons, as elsewhere in the world.

8. The FIDH mission itself met a number of lawyers, each of whom was dealing with dozens and, in some cases, hundreds of "disappearances". It also met more than 20 families of persons who had "disappeared" after being arrested by the security forces and a number of young people who had been released from detention and whose fellow-detainees, arrested during the same "sweep" through their district by the security forces, have not been heard of since last year. The mission therefore concludes that it is probably an understatement to assert that, of the thousands of "disappearances" of all kinds, at least 2,000 are attributable to the security forces.

Summary executions: a substitute for judicial proceedings

9. Members of the security forces sometimes undertake to physically eliminate suspects rather than bring them before the courts, a practice which appeared widespread to the FIDH delegation.

10. FIDH is deeply concerned at the authorities' failure to take legal action regarding the murders of journalists and prominent individuals, purportedly by Islamic groups. During its mission, it ascertained that not one suspected killer of a journalist had thus far been brought to justice, with the exception of the suspected killers of the editor-in-chief of the weekly Ruptures (the first journalist to be killed), who had been found not guilty.

Dangerous institutionalization of "self-defence groups"

11. The village "self-defence groups" were legalized on 4 January 1997 by an act of the Transitional National Council, purportedly to improve the supervision of these volunteer groups by bringing them under the control of the security forces. FIDH wonders about the effectiveness of this measure, as not even the Permanent Secretary of the Ministry of the Interior himself knew just how many members such self-defence groups had, even though the formation of such a group requires the authorization of the wali (prefect).

12. As in the case of massacres committed by the armed Islamic groups, FIDH condemns the massacres committed by these militias and by the communal guards, who are responsible for exterminations systematically attributed to Islamic groups. FIDH believes that the desire of these militias for vengeance and violence, sometimes fuelled by the authorities, can only make any hope of the emergence of a culture of peace in Algeria even more remote.

A non-independent and ineffectual justice system

13. A number of emergency provisions on subversion and terrorism which were repealed in 1992 were reinstated in the Penal Code and Code of Criminal Procedure by the ordinance of 25 February 1995.

14. The mission also observed a wide gap between the content and application of legislation. Custody time limits are systematically exceeded; periods of pre-trial detention are often excessively long. Moreover, the verdicts of the criminal courts - most of which, since the 1995 ordinance, consist of professional judges, who are easier to control than juries - are often reached hastily.

15. On 15 and 16 July last, at Tizi-Ouzou, the trial was held of Mr. Rachid Mesli, a lawyer charged with membership of, and complicity with, a terrorist movement. Immediately upon arriving at their hotel, FIDH's two judicial observers were placed under visible police surveillance and were firmly discouraged by a representative of the Ministry of Foreign Affairs from attending the proceedings. The presiding judge of the court also declared the proceedings in camera. After being acquitted on the two above-mentioned charges, Mr. Mesli was finally, during the deliberation, found guilty of having spoken out in support of terrorism, without the proceedings being resumed, so that the lawyers were unable to exercise their right to organize a defence against this new charge, in flagrant breach of the Code of Criminal Procedure.

16. In general, FIDH observed that the present circumstances make it extremely dangerous to be a professional judge or officer of the courts.

The status of women in Algeria

17. FIDH and its partner organizations call for the lifting of the reservations to the 1979 Convention on the Elimination of All Forms of Discrimination against Women, ratified by Algeria in 1995.

18. The FIDH delegation observed *in situ* the discriminatory nature of the principles stated in the Family Code adopted in 1984. With its partner organizations, it calls on the Government to do everything in its power to ensure observance of the principles of equality and non-discrimination guaranteed by the International Covenant on Civil and Political Rights, ratified by Algeria and published in the *Official Gazette*.

19. It was clear to the FIDH delegation that violence against women was omnipresent and perpetrated mainly in the home by husbands and fathers.

Conclusion

20. At the end of its visit, the FIDH delegation was of the view that the situation of human rights in Algeria was a matter of very grave concern, involving systematic and gross violations of human rights.

21. It also deplored the dissimulatory and mendacious official line, which admitted only the existence of a few "excesses".

22. Today, FIDH calls on the Sub-Commission on Prevention of Discrimination and Protection of Minorities to react to this situation by calling on the Commission on Human Rights to appoint a special rapporteur on Algeria to report to it at its fifty-fifth session.